

Order

Michigan Supreme Court
Lansing, Michigan

September 22, 2008

Clifford W. Taylor,
Chief Justice

136649

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136649
COA: 284119
Oakland CC: 2007-216860-FH

ALEXANDER WALLACE CARRIER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 28, 2008 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Oakland Circuit Court, and we REMAND this case to the trial court for resentencing. On remand, the trial court shall sentence the defendant within the appropriate sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range and for the extent of the departure, in accordance with *People v Babcock*, 469 Mich 247 (2003), and *People v Smith*, 482 Mich ____ (Docket No. 134682, dec'd 7/31/2008).

We do not retain jurisdiction.



d0915

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 22, 2008

Corbin R. Davis

Clerk